

State of Arizona  
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2010

Senate Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

CHAPTER 56

# SENATE BILL 1122

AN ACT

AMENDING SECTIONS 13-2501, 13-2505 AND 32-2811, ARIZONA REVISED STATUTES;  
RELATING TO ESCAPE AND RELATED OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-2501, Arizona Revised Statutes, is amended to  
3 read:

4 13-2501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Contraband" means any dangerous drug, narcotic drug, marijuana,  
7 intoxicating liquor of any kind, deadly weapon, dangerous instrument,  
8 explosive, WIRELESS COMMUNICATION DEVICE, MULTIMEDIA STORAGE DEVICE or other  
9 article whose use or possession would endanger the safety, security or  
10 preservation of order in a correctional facility or a juvenile secure care  
11 facility as defined by IN section 41-2801, or of any person within a  
12 correctional or juvenile secure care facility.

13 2. "Correctional facility" means any place used for the confinement or  
14 control of a person:

15 (a) Charged with or convicted of an offense; or

16 (b) Held for extradition; or

17 (c) Pursuant to an order of court for law enforcement purposes.

18 Lawful transportation or movement incident to correctional facility  
19 confinement pursuant to this paragraph is within the control of a  
20 correctional facility. ~~However,~~ For THE purposes of this chapter, being  
21 within the control of a correctional facility does not include release on  
22 parole, on community supervision, on probation or by other lawful authority  
23 ~~upon~~ ON the condition of subsequent personal appearance at a designated place  
24 and time.

25 3. "Custody" means the imposition of actual or constructive restraint  
26 pursuant to an on-site arrest or court order but does not include detention  
27 in a correctional facility, juvenile detention center or state hospital.

28 4. "Escape" means departure from custody or from a juvenile secure  
29 care facility as described in section 41-2816, a juvenile detention facility  
30 or an adult correctional facility in which a person is held or detained with  
31 knowledge that such departure is unpermitted or failure to return to custody  
32 or detention following a temporary leave granted for a specific purpose or  
33 for a limited period.

34 Sec. 2. Section 13-2505, Arizona Revised Statutes, is amended to read:

35 13-2505. Promoting prison contraband; exceptions; x-radiation;  
36 classification

37 A. A person, not otherwise authorized by law, commits promoting prison  
38 contraband:

39 1. By knowingly taking contraband into a correctional facility or the  
40 grounds of ~~such~~ A CORRECTIONAL facility; or

41 2. By knowingly conveying contraband to any person confined in a  
42 correctional facility; or

43 3. By knowingly making, obtaining or possessing contraband while being  
44 confined in a correctional facility or while being lawfully transported or  
45 moved incident to correctional facility confinement.

1 B. Any person who has reasonable grounds to believe there has been a  
2 violation or attempted violation of this section shall immediately report  
3 such THE violation or attempted violation to the official in charge of the  
4 facility or to a peace officer.

5 ~~D.~~ C. Notwithstanding any law to the contrary, any person convicted  
6 of a violation of this section shall be prohibited from employment by this  
7 state or any of its agencies or political subdivisions until the person's  
8 civil rights have been restored pursuant to chapter 9 of this title.

9 ~~E.~~ D. This section does not apply to any of the following:

10 1. A prisoner who possesses or carries any tool, instrument or  
11 implement used by him at the direction or with the permission of prison  
12 officials.

13 2. Contraband located at the place where a person is on home arrest.

14 3. CONTRABAND AUTHORIZED BY THE CORRECTIONAL FACILITY POLICIES AND  
15 USED AT THE DIRECTION OR WITH THE PERMISSION OF PRISON OFFICIALS.

16 ~~F.~~ E. The state department of corrections may request a licensed  
17 practitioner to order that x-radiation be performed on any inmate if there is  
18 reason to believe the inmate is in possession of any contraband as defined in  
19 section 13-2501.

20 ~~G.~~ F. Promoting prison contraband if the contraband is a deadly  
21 weapon, dangerous instrument or explosive is a class 2 felony. Promoting  
22 prison contraband if the contraband is a dangerous drug, narcotic drug or  
23 marijuana is a class 2 felony. In all other cases promoting prison  
24 contraband is a class 5 felony. Failure to report a violation or attempted  
25 violation of this section is a class 5 felony.

26 Sec. 3. Section 32-2811, Arizona Revised Statutes, is amended to read:  
27 32-2811. Prohibitions and limitations; exceptions

28 A. No person may use ionizing radiation on a human being unless the  
29 person is a licensed practitioner or the holder of a certificate as provided  
30 in this chapter.

31 B. A person holding a certificate may use ionizing radiation on human  
32 beings only for diagnostic or therapeutic purposes while operating in each  
33 particular case at the direction of a licensed practitioner. The application  
34 of ionizing radiation and the direction to apply ionizing radiation are  
35 limited to those persons or parts of the human body specified in the law  
36 under which the practitioner is licensed. The provisions of the  
37 technologist's certificate govern the extent of application of ionizing  
38 radiation.

39 C. Nothing in the provisions of this chapter relating to technologists  
40 shall be construed to limit, enlarge or affect in any respect the practice of  
41 their respective professions by duly licensed practitioners.

42 D. The requirement of a certificate shall not apply to:

43 1. A hospital resident specializing in radiology who is not a licensed  
44 practitioner in this state or a student enrolled in and attending a school or  
45 college of medicine, osteopathy, podiatry, dentistry, naturopathy,

1 chiropractic or radiologic technology who applies ionizing radiation to a  
2 human being while under the specific direction of a licensed practitioner.  
3 2. A person engaged in performing the duties of a technologist in such  
4 person's employment by an agency, bureau or division of the government of the  
5 United States.  
6 3. Dental hygienists licensed in the state of Arizona and dental  
7 assistants holding a valid certificate in dental radiology from a course  
8 approved by the Arizona state board of dental examiners.  
9 4. Persons providing assistance during an ionizing radiation  
10 procedure, apart from such procedures conducted in a health care institution,  
11 under the direction of a person licensed for the use of an ionizing radiation  
12 machine.  
13 E. The provisions of subsection B of this section do not apply to  
14 ionizing radiation ordered by a licensed practitioner for other than  
15 diagnostic or therapeutic purposes pursuant to section 13-2505, subsection  
16 F- E.

APPROVED BY THE GOVERNOR APRIL 14, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2010.